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10/555,340	05/25/2006	Ming Ji	P28758	3936
52123	7590	11/15/2010		
GREENBLUM & BERNSTEIN, P.L.C.				
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RESTON, VA 20191				
EXAMINER				
GELAGAY, SHEWAYE				
ART UNIT		PAPER NUMBER		
2437				
NOTIFICATION DATE		DELIVERY MODE		
11/15/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

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### Office Action Summary

**Application No.**

10/555,340

**Applicant(s)**

JI ET AL.

**Examiner**

SHEWAYE GELAGAY

**Art Unit**

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/31/10.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date 8/31/10
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to the Amendment filed on 08/31/10.
2. Claims 1-9 have been cancelled.
3. New claims 10-18 have been added.

### **Response to Arguments**

4. Applicant's arguments with respect to Japanese Priority Application have been considered but they are not persuasive.

Applicant's arguments fail to provide where the adequate support is found in the Japanese patent application. Applicant argued that "Applicants' respectfully traverse the Examiner's comments regarding Applicants' Japanese priority Application for the reasons previously provided." However, Examiner has carefully reviewed the Priority document and pointed out why there is no support for the cited limitation in the Foreign Priority document. Since Applicant did not specifically point out where exactly the support in the Foreign Priority document, Examiner maintains that the Japanese patent fails to provide adequate support for the claimed limitation.

The rest of Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### **Priority**

1. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application. The disclosure of the invention in the

Foreign priority application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the foreign priority application, Application No. 2003-131372, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. Application No. 2003-131372 does not describe that the ISMA media stream has an ISMA header.

#### **Claim Objections**

2. Claim 12 is objected as being a substantial duplicate of claim 10. Claims 10 and 12 are duplicates they both cover the same thing.

#### **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 10 and 12, the phrase "may be specified" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "may be"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

5. Dependent claims 11 and 13-18 are also rejected for inheriting the deficiencies of the independent claims.

**Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Own Admitted Art, (hereinafter Admission) in view of Shamoon et al. (hereinafter Shamoon) US 7,233,948 and in view of Rambhia "Coding of Moving Pictures and Audio" International Organization for Standardization, July 2001, pages 1-38.

As per claim 10 and 12:

Admission teaches a method for constituting and transmitting an Internet Streaming Media Alliance (ISMA) media stream, subjected to MPEG-4 Intellectual Property Management and Protection (IPMP) extension, by a transmitting device including an encoder and a transmitter, the method comprising: constituting, by the encoder, an ISMA media stream having an ISMA header and including contents as a payload, (paragraph 2-5) wherein the ISMA media stream includes a plurality of

payloads, (paragraph 2-5) Admission does not explicitly disclose wherein the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of descriptors, wherein the IPMP tool list descriptor, representing as a tool required for processing of contents, at least one tool selected from a group including an IPMP tool, an ISMA Cryp decryption tool, and a key management system (KMS) tool, is buried in the ISMA media stream.

Shamoon in analogous art, however, discloses wherein the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of descriptors, wherein the IPMP tool list descriptor, representing as a tool required for processing of contents, at least one tool selected from a group including an IPMP tool, an ISMA Cryp decryption tool, and a key management system (KMS) tool, is buried in the ISMA media stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device disclosed by Admission with Shamoon in order to provide common formats and functions thereby easing difficulties in interoperability. (col. 1, lines 39-42; Shamoon) Both references do not explicitly disclose wherein the IPMP tool may be specified in a plurality of ways, including by using a fixed bit length IPMP tool ID, by using a list of IPMP tool IDs representing equivalent alternative tools, and by specifying

standards that must be satisfied by the IPMP tool; and transmitting, by the transmitter, the ISMA media stream over a network to a receiver.

Rambhia in analogous art, however, discloses wherein the IPMP tool may be specified in a plurality of ways, including by using a fixed bit length IPMP tool ID, by using a list of IPMP tool IDs representing equivalent alternative tools, and by specifying standards that must be satisfied by the IPMP tool; and transmitting, by the transmitter, the ISMA media stream over a network to a receiver. (pages 4-7, 10-11) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device disclosed by Admission and Shamoon with Rambhia in order to provide generic IPMP framework that can be mapped to various MPEG standards. (1. Introduction, Rambhia)

As per claim 11

Admission in view of Shamoon in view of Rambhia further teaches wherein the IPMP tool list descriptor is buried in an Initial Object Descriptor (IOD) of the ISMA media stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

As per claim 13:

Admission in view of Shamoon in view of Rambhia further teaches wherein an IPMP descriptor pointer indicating at least one of the plurality of IPMP descriptors is buried in the ISMA media stream. (page 5, 4.23 IPMP Tools retrieval)

As per claim 14:

Admission in view of Shamoon in view of Rambhia further teaches wherein an IPMP descriptor pointer is buried in an Elementary Stream (ES) descriptor of the ISMA media stream. (page 6, 4.31. IPMP Tool list)

As per claim 15:

Admission in view of Shamoon in view of Rambhia further teaches wherein the IPMP tool list descriptor representing at least one tool is buried in the ISMA media stream independently of the IPMP descriptor. (Page 5, IPMP Tool Elementary stream)

As per claim 16-18:

Admission in view of Shamoon in view of Rambhia further teaches wherein an ISMA Cryp parameter used in the ISMA Cryp decryption tool is stored in ISMA Cryp\_Data extended from IPMP\_Data\_Base Class. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 10-18 are rejected under 35 U.S.C. 102(a) as being anticipated by ISMA 1.0 Encryption and Authentication Version 1, October 2003, pages 1-46. (hereinafter ISMA)

As per claim 10 and 12:



ISMA teaches a method for constituting and transmitting an Internet Streaming Media Alliance (ISMA) media stream, subjected to MPEG-4 Intellectual Property Management and Protection (IPMP) extension, by a transmitting device including an encoder and a transmitter, the method comprising:

constituting, by the encoder, an ISMA media stream having an ISMA header and including contents as a payload, (figure 7.1 media source, sender, ISMAcryp)

wherein the ISMA media stream includes a plurality of payloads, (7.0 ISMA 1.0 Encryption and Authentication, ISMA 1.0 payloads)

wherein in the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, (7.0 ISMA 1.0 Encryption and Authentication, ISMAcryp inserts cryptographic metadata at the beginning of each AU header)

wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of descriptors, (7.0 ISMA 1.0 Encryption and Authentication, cryptographic context for each AU)

wherein the IPMP tool list descriptor, representing as a tool required for processing of contents, at least one tool selected from a group including an IPMP tool, an ISMA Cryp decryption tool, and a key management system (KMS) tool, is buried in the ISMA media stream, (7.0 ISMA 1.0 Encryption and Authentication, ISMACrypCotnest AU) and

wherein the IPMP tool may be specified in a plurality of ways, including by using a fixed bit length IPMP tool ID, by using a list of IPMP tool IDs representing equivalent alternative tools, and by specifying standards that must be satisfied by the IPMP tool; (8.0 Encryption and Authentication Signaling) and

transmitting, by the transmitter, the ISMA media stream over a network to a receiver. (figure 7.1, media player, receiver)

As per claim 11

ISMA further teaches wherein the IPMP tool list descriptor is buried in an Initial Object Descriptor (IOD) of the ISMA media stream. (7.0 ISMA 1.0 Encryption and Authentication,

As per claim 13:

ISMA further teaches wherein an IPMP descriptor pointer indicating at least one of the plurality of IPMP descriptors is buried in the ISMA media stream. (7.0 ISMA 1.0 Encryption and Authentication,

As per claim 14:

ISMA further teaches wherein an IPMP descriptor pointer is buried in an Elementary Stream (ES) descriptor of the ISMA media stream. (7.0 ISMA 1.0 Encryption and Authentication,

As per claim 15:

ISMA further teaches wherein the IPMP tool list descriptor representing at least one tool is buried in the ISMA media stream independently of the IPMP descriptor. (7.0 ISMA 1.0 Encryption and Authentication )

As per claim 16-18:

10. ISMS further teaches wherein an ISMA Cryp parameter used in the ISMA Cryp decryption tool is stored in ISMA Cryp\_Data extended from IPMP\_Data\_Base Class. (7.0 ISMA 1.0 Encryption and Authentication,

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEWAYE GELAGAY whose telephone number is (571)272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shewaye Gelagay/  
Examiner, Art Unit 2437

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437